

BENJAMIN B. WAGNER
United States Attorney
PHILIP A. FERRARI
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIKHAIL YURKEVICH TYULKIN,

Defendant.

CASE NO. CR S 03-0547 JAM

MOTION TO DISMISS INDICTMENT WITHOUT
PREJUDICE AND RECALL ARREST WARRANT;
ORDER

An indictment was filed in this matter on December 18, 2003, charging the above-referenced defendant with a violation of Title 18, United States Code §§ 1347 and 2 [Health Care Fraud and Aiding and Abetting]. An arrest warrant issued on the indictment. In the almost ten years which have passed since the indictment issued, law enforcement personnel have been unable to apprehend the defendant and have reason to believe he is outside the United States. Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, plaintiff United States of America seeks the leave of this Honorable Court to dismiss the indictment without prejudice. This motion is based upon the passage of time, limitations of government resources, and the lack of indications the defendant will be apprehended. The United States also respectfully requests that the arrest warrant be recalled.

///

///

1 Dated: July 24, 2013

BENJAMIN B. WAGNER
United States Attorney

2
3 /s/ Philip A. Ferrari
4 PHILIP A. FERRARI
Assistant United States Attorney

5
6
7 **ORDER**

8 The United States' motion to dismiss is GRANTED and the indictment (Docket, #1) is ordered
9 DISMISSED WITHOUT PREJUDICE. The arrest warrant (Docket, # 14) is RECALLED.

10 **SO ORDERED:**

11 DATED: 7/24/2013

12 /s/ John A. Mendez
13 HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE